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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/527,991	03/21/2005	Sveinung Loset	033246-0167	4875

22428 7590 11/29/2007  
FOLEY AND LARDNER LLP  
SUITE 500  
3000 K STREET NW  
WASHINGTON, DC 20007

EXAMINER
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MAYO, TARA L

ART UNIT	PAPER NUMBER
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3671

MAIL DATE	DELIVERY MODE
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11/29/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/527,991	<b>Applicant(s)</b> LOSET ET AL.	
	<b>Examiner</b> Tara L. Mayo	<b>Art Unit</b> 3671	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 05 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-29 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 March 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The prior objections to Specification have been overcome by the replacement Abstract filed 05 September 2007.

### ***Claim Objections***

2. The prior objections to claims 1 through 29 for minor grammatical errors have been overcome by the amended claims filed 05 September 2007.

### ***Claim Rejections - 35 USC § 112***

3. The prior rejection of the claims under 35 USC §112, second paragraph have been overcome by the amended claims filed 05 September 2007.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any

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evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

6. Claims 1 through 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Giannesini (U.S. Patent No. 5,354,152) in view of Travis (U.S. Patent No. 4,844,213).

Giannesini '151, as best seen in Figures 1, 3A, 3B and 5, shows a loading system for transferring hydrocarbons between an installation (3) on the seabed and a floating vessel in areas exposed to ice (30) comprising:

- a submerged turret (1) loading arrangement including a loading/unloading buoy;
- a flexible riser (5) extending from the seabed installation to the buoy; and
- a plurality of mooring lines (2) connected to the buoy and extending outward therefrom;

wherein the seabed installation is a protective structure containing means (4) for storing the riser in a protected position when disconnected and retracted from the floating vessel.

Giannesini '151 fails to teach protective means for protecting the riser from impacts when the riser is in an extended, load-transferring mode.

Travis '213, as best seen in Figure 1, claims protective means in the form of an energy absorption system comprising a plurality of truncated conical elements (12) suspended from wires (18), the conical elements having a smaller upper diameter and a larger lower diameter.

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It would have been obvious to one having ordinary skill in the art at the time of invention to modify the device disclosed by Giannesini '151 such that it would further include the protective means shown by Travis '213. The motivation would have been to provide the flexible riser with an energy absorption system capable of preventing damage to the riser by floating ice.

With specific regard to claims 7 and 8, it would have been obvious to one having ordinary skill in the art at the time of invention to modify the device disclosed by the combination of Giannesini '151 and Travis '213 such that the protective structure would further comprise a reel with a horizontal axis since the Examiner takes Official Notice of the use of reels for storing lengths of conduit. The reel would be positioned with its axis in the horizontal direction for ease of collection and removal of the riser.

With regard to claim 8, it would have been obvious to one having ordinary skill in the art of marine structures at the time of invention to modify the device disclosed by the combination of Giannesini '151 and Travis '213 such that the riser would be connected to a supply line by means of a swivel since the Examiner takes Official Notice of the use of swivels in flow line connections for reducing torsional and bending forces in the same.

With regard to claims 20 through 29, the method steps recited therein are inherent to the use of the device taught by the combination of Giannesini '151 and Travis '213.

***Response to Arguments***

7. Applicant's arguments filed 05 September 2007 have been considered but they are not persuasive.

In response to applicant's argument that Travis '213 is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, the prior art is concerned with energy absorption. One having ordinary skill in the art would have had a reasonable expectation of success using known elements to perform known functions.

***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

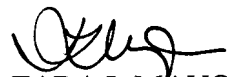
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
TARA L MAYO  
PRIMARY EXAMINER  
Art Unit 3671

tlm  
26 November 2007